IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 3256 OF 2007

1. Chodiseti Gandhi s/o Satyam Gandhi,

2. Yanamadala Shriramlu Venketshwar. ... Applicants.

V/s.

The State of Maharashtra. ... Respondent.

K.S.Patil for the applicants.

U.V.Nikam, A.P.P. for the State.

CORAM: V.C.DAGA, J.

DATED: 17th October 2007.

P.C.:

. Heard learned counsel for the applicants and learned A.P.P. for the State.

2. The applicants are seeking bail in connection with C.R.No.15/2007 registered with Poynad Police Station, district- Raigad for the offences punishable under sections 147, 148, 149 of Indian Penal Code.

3. The incident reported is of 22nd February, 2007, wherein one Manesh was attacked by a group of persons. Two of them hit on his head, which,

ultimately, resulted in his death. The present applicants were arrested on 23rd February, 2007. Thereafter, statements of the witnesses were recorded on 26th February, 2007. They were shown as accused persons, who were in the police lock-up. Out of them, two were identified as assailants i.e. the present applicants.

4. According to the prosecution, these two persons have assaulted the deceased which has resulted in his death. However, no material is available on record to suggest as to on what basis these two persons were arrested on 23rd February, 2007. The F.I.R. does not name any of these persons. This is a case, wherein arrest of some persons were made and they were exposed to the witnesses and the witnesses claimed to have identified them.

5. Thus considering the prosecution case and taking overall view of the matter, the applicants would be entitled to bail. In the circumstances, I am inclined to grant bail to the applicant, subject to the following conditions:

(a) The applicants, arrested in connection with C.R.No.15/2007 registered with Poynad Police Station, district- Raigad shall be enlarged on bail on their executing P.R.Bond of

Rs.5,000/- each with one surety to make up the said amount.

(b) The applicants shall report to the concerned Police Station twice a week, i.e. on every Monday and Saturday between 3.00 to 5.00 p.m. till conclusion of the trial and shall not leave district of Raigad without prior permission of the Sessions Court. They shall co-operate with the investigating agency for disposal of the case.

(c) The applicants shall file an affidavit with the Investigating Officer with one copy thereof to the Sessions Court where the trial is pending giving details of their permanent addresses with details of their native places attached with Revenue documents.

(d) The applicants shall not change their residential address till the conclusion of trial without prior intimation to the investigating officer.

(e) The applicants shall not directly or indirectly, make any inducement or threat or pressurise any prosecution witnesses and shall not in any manner tamper with the prosecution

evidence.

(f) It is needless to mention that breach of any of the conditions by the applicants shall result in cancellation of bail.

(g) Any observation made in this order shall not be construed as finding or expression on merits of the case at the time of trial.

6. Application stands disposed of accordingly.

JUDGE